

S/N: 09/699,517

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	McDonough, et al.	Examiner:	Abdulsalam, Abbas I.
Serial No.:	09/699,517	Group Art Unit:	2629
Filed:	October 31, 2000	Docket No.:	14917.0971USI1/MS150635.01
Title:	USER NOTIFICATION SYSTEM WITH AN ILLUMINATED COMPUTER INPUT DEVICE		

REPLY BRIEF UNDER 37 C.F.R. § 41.41 IN RESPONSE TO EXAMINER'S ANSWER

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Appellants hereby submit a brief in reply to the corrected Examiner's Answer dated May 20, 2008, in the patent application identified above. A Notice of Appeal was filed on October 13, 2006, an Appeal Brief was filed on February 28, 2007, and a Supplemental Response was filed on December 21, 2007.

REAL PARTY OF INTEREST

The real party of interest is Microsoft Corporation of Redmond, Washington. An Assignment is of record in the application.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claim	Status
1 - 16	Cancelled
17-18	Rejected
19-32	Cancelled
33	Rejected
34	Cancelled
35	Rejected
36	Cancelled
37	Rejected
38	Cancelled
39-52	Rejected

Rejected Claims 17-18, 33, 35, 37, and 39-52 are being appealed.

STATUS OF AMENDMENTS

All Amendments to date have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

See Supplemental Appeal Brief filed December 21, 2007.

REPLY

The arguments presented in the Appeal Brief and the Supplemental Appeal Brief are hereby incorporated by reference in their entirety.

I. Independent Claims 35, 37, and 49

Claims 35 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,088,516 ("*Kreisel*") in view of U.S. Patent No. 5,936,554 ("*Stanek*"). Independent Claim 35 is patentably distinguishable over the cited references for at least the reason that it recites "establishing a set of senders" and "determining whether a sender of an incoming message is in the set." Independent Claims 37 and 49 each includes a similar recitation.

In contrast, *Kreisel* does not disclose the aforementioned recitation. *Kreisel* merely discloses flashing a keyboard LED when a new e-mail message is received. (*Kreisel*, Abstract.) In the Answer, the Examiner admits that *Kreisel* does not teach establishing a set of senders and determining whether a sender of an incoming message is in the set, but asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize message storage as illustrated in *Kreisel*'s computer system of FIG. 1b for the purpose of tracking the status of each message received. (See Examiner's Answer of March 18, 2008, page 5, 15.) Appellants respectfully disagree. *Kreisel* merely discloses an incoming and an outgoing

queue for storing e-mail messages to be transmitted and received from other terminals. (*Kreisel*, col. 3, lines 14-17.) Each queue in *Kreisel* stores a transmit/receive record associated with each e-mail message containing unique information concerning the destination site or source cite, the type of message, the time received, the time to transmit, and the like. (*Kreisel*, col. 3, lines 17-26.) Nowhere does *Kreisel* disclose or suggest determining whether a particular condition associated with a received message has been met and so cause an intensity change in an illumination member. Rather, the only message processing disclosed by *Kreisel* is determining whether a user is viewing an unviewed message. (*Kreisel*, FIG. 4.)

Furthermore, *Stanek* does not overcome *Kreisel*'s deficiencies. *Stanek* merely discloses bi-directional communication between a keyboard and a computer. (*Stanek*, Abstract.) The communication in *Stanek* controls key illumination on the keyboard in order to guide a user as to which key should be selected. (*Stanek*, col. 2, lines 37-52.) *Stanek* further discloses illuminating keys which are active for a particular application and dimming keys which are inactive. (*Stanek*, col. 3, lines 20-26.) Like *Kreisel*, *Stanek* does not disclose determining whether a particular condition associated with a received message has been met and so cause an intensity change in an illumination member. Rather, *Stanek* merely discloses illuminating or dimming keys on a keyboard to inform a user which key(s) should be selected.

Combining *Kreisel* and *Stanek* would not have led to the claimed subject matter because *Kreisel* and *Stanek*, either individually or in combination, at least do not disclose or suggest "establishing a set of senders" and "determining whether a sender of an incoming message is in the set," as recited by independent Claim 35.

Independent Claims 37 and 49 includes a similar recitation. Accordingly, Appellants respectfully submit that this rejection is in error and request withdrawal of this rejection of Claims 35, 37, and 49.

Dependent Claim 33 is also allowable for the reasons described above regarding independent Claim 37 and by virtue of its dependency on independent Claim 37. Accordingly, Appellants respectfully submit that the rejection is in error and request withdrawal of this rejection of Claim 37.

II. Independent Claims 39 and 52

Claim 39 is rejected under 35 U.S.C. 102(e) as being unpatentable over *Kreisel*. Independent Claim 39 is patentably distinguishable over the cited reference for at least the reason that it recites "determining whether an instant message has been received." Independent Claim 52 includes a similar recitation.

In contrast, *Kreisel* does not disclose the aforementioned recitation. *Kreisel* merely discloses flashing a keyboard LED when a new e-mail message is received. (*Kreisel*, Abstract.) *Kreisel* discloses an incoming and an outgoing queue for storing e-mail messages to be transmitted and received from other terminals. (*Kreisel*, col. 3, lines 14-17.) Each queue in *Kreisel* stores a transmit/receive record associated with each e-mail message containing unique information concerning the destination site or source cite, the type of message, the time received, the time to transmit, and the like. (*Kreisel*, col. 3, lines 17-26.) Nowhere does *Kreisel* disclose or suggest changing the state of an illumination member in response to receiving an instant message. Rather,

the only messages contemplated by *Kreisel* are e-mails and data files. (*Kreisel*, col. 8, lines 39-47.)

Kreisel does not anticipate the claimed subject matter because *Kreisel* at least does not disclose or suggest "determining whether an instant message has been received," as recited by independent Claim 39. Independent Claim 52 includes a similar recitation. Accordingly, Appellants respectfully submit that this rejection is in error and request withdrawal of this rejection of Claims 39 and 52.

Dependent Claim 51 is also allowable for the reasons described above regarding independent Claim 39 and by virtue of its dependency on independent Claim 39. Accordingly, Appellants respectfully submit that the rejection is in error and request withdrawal of this rejection of Claim 39.

III. Independent Claim 40

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kreisel*. Independent Claim 40 is patentably distinguishable over the cited reference for at least the reason that it recites "determining whether a request to respond to one of a video conference call and an audio conference call has been received."

In contrast, *Kreisel* does not disclose the aforementioned recitation. *Kreisel* merely discloses flashing a keyboard LED when a new e-mail message is received. (*Kreisel*, Abstract.) In the Answer, the Examiner states that it would have been obvious to utilize *Kreisel's* terminal network for the purpose of communicating and interacting with one another. (See Examiner's Answer of March 18, 2008, page 17.) Appellants respectfully disagree. Appellants respectfully submit that the interaction disclosed by

Kreisel is limited to the exchange of messages and data files. *Kreisel* merely discloses an incoming and an outgoing queue for storing e-mail messages to be transmitted and received from other terminals. (*Kreisel*, col. 3, lines 14-17.) Each queue in *Kreisel* stores a transmit/receive record associated with each e-mail message containing unique information concerning the destination site or source cite, the type of message, the time received, the time to transmit, and the like. (*Kreisel*, col. 3, lines 17-26.) Nowhere does *Kreisel* disclose or suggest determining whether a request for an audio or video conference has been received and so cause an intensity change in an illumination member. Rather, the only message processing disclosed by *Kreisel* is determining whether a user is viewing an unviewed e-mail message. (*Kreisel*, FIG. 4.)

Kreisel would not have led to the claimed subject matter because *Kreisel* at least does not disclose or suggest "determining whether a request to respond to one of a video conference call and an audio conference call has been received," as recited by independent Claim 40. Accordingly, Appellants respectfully submit that this rejection is in error and request withdrawal of this rejection of Claim 40.

IV. Independent Claims 41 and 50

Claims 41 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kreisel* in view of U.S. Patent No. 6,874,023 ("*Pennel*"). Independent Claim 41 is patentably distinguishable over the cited references for at least the reason that it recites "determining whether a user is capable of receiving a solicitation." Independent Claim 50 is patentably distinguishable over the cited references for at least the reason that it

recites "determining whether a request to respond to a solicitation to join a chat room has been received."

In contrast, *Kreisel* does not disclose either of the aforementioned recitations. *Kreisel* merely discloses flashing a keyboard LED when a new e-mail message is received. (*Kreisel*, Abstract.) In the Answer, the Examiner admits that *Kreisel* does not teach determining whether a user is capable of receiving a solicitation and that *Kreisel* does not teach a determining step with respect to joining a chat room. (See Examiner's Answer of March 18, 2008, page 8.) The Examiner asserts, however, that it would have been obvious to utilize *Kreisel*'s terminal network for the purpose of communicating and interacting with one another. (See Examiner's Answer of March 18, 2008, page 17.) Appellants respectfully disagree and submit that the interaction disclosed by *Kreisel* is limited to the exchange of messages and data files. Nowhere does *Kreisel* disclose examining the character of a received message or determining the capabilities of a recipient. (*Kreisel*, col. 3, lines 14-17.) Rather, the only message processing disclosed by *Kreisel* is determining whether a user is viewing an unviewed message. (*Kreisel*, FIG. 4.)

Furthermore, *Pennel* does not overcome *Kreisel*'s deficiencies. *Pennel* merely discloses assigning e-mail addresses to particular uses. (*Pennel*, Abstract.) In *Pennel*, the assigned e-mail address merely helps identify a sender to a recipient. (*Pennel*, col. 3, lines 53-56.) The recipient in *Pennel* may then discard the e-mail address if the recipient no longer wishes to receive solicitations from the sender. (*Pennel*, col. 4, lines 3-6.) Nowhere does *Pennel* disclose determining whether a user is capable of receiving a solicitation. Rather, *Pennel* merely discloses that a user may create a unique e-mail

address and provide it to a sender who may then use the provided e-mail address to contact the recipient.

Combining *Kreisel* and *Pennel* would not have led to the claimed subject matter because *Kreisel* and *Pennel*, either individually or in combination, at least do not disclose or suggest "determining whether a user is capable of receiving a solicitation," as recited by independent Claim 41 or "determining whether a request to respond to a solicitation to join a chat room has been received" as recited by independent Claim 50. Accordingly, Appellants respectfully submit that this rejection is in error and request withdrawal of this rejection of Claims 41 and 50.

V. Independent Claim 42

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kreisel* in view of U.S. Patent No. 6,052,563 ("*Macko*"). Independent Claim 42 is patentably distinguishable over the cited references for at least the reason that it recites "changing a state associated with the illumination member in response to the determining step, wherein said determining step includes comparing a scheduled event time relative to an actual time set in the computer."

In contrast, *Kreisel* does not disclose the aforementioned recitation. *Kreisel* merely discloses flashing a keyboard LED when a new e-mail message is received. (*Kreisel*, Abstract.) In the Answer, the Examiner admits that *Kreisel* does not teach comparing a scheduled event time relative to an actual time set in the computer. (See Examiner's Answer of March 18, 2008, page 10.) Rather, the only message processing

disclosed by *Kreisel* is determining whether a user is viewing an unviewed message. (*Kreisel*, FIG. 4.)

Furthermore, *Macko* does not overcome *Kreisel*'s deficiencies. *Macko* merely discloses specifying actions to be performed by a communication device with respect to daily appointments. (*Macko*, Abstract.) In addition, the communication device envisioned by *Macko* is a cellular phone, not an input device connected to a computer. *Macko* thus teaches away from a combination with *Kreisel*. In the Answer, the Examiner merely states that it would have been obvious to modify *Kreisel*'s email communication to adapt *Macko*'s email forwarding program because an email forwarding program helps automatically forward emails to a communication device. (See Examiner's Answer of March 18, 2008, page 10.) Nowhere does the Examiner assert *Macko* provide any motivation to combine such scheduling actions with the activation of an LED upon the receipt of a new message as disclosed by *Kreisel*.

Combining *Kreisel* and *Pennel* would not have led to the claimed subject matter because combining *Kreisel* and *Pennel* does not disclose or suggest "changing a state associated with the illumination member in response to the determining step, wherein said determining step includes comparing a scheduled event time relative to an actual time set in the computer," as recited by independent Claim 42. Accordingly, Appellants respectfully submit that this rejection is in error and request withdrawal of this rejection of Claim 42.

Dependent Claims 17-18 are also allowable for the reasons described above regarding independent Claim 42 and by virtue of their dependency on independent

Claim 42. Accordingly, Appellants respectfully submit that the rejection is in error and request withdrawal of this rejection of Claims 17-18.

VI. Independent Claim 43

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kreisel* in view of U.S. Patent No. 5,890,139 ("*Suzuki*"). Independent Claim 43 is patentably distinguishable over the cited references for at least the reason that it recites "changing a state associated with the illumination member in response to the determining step, wherein said determining step includes determining whether a correct answer has been input."

In contrast, *Kreisel* does not disclose the aforementioned recitation. *Kreisel* merely discloses flashing a keyboard LED when a new e-mail message is received. (*Kreisel*, Abstract.) In the Answer, the Examiner admits that *Kreisel* does not teach determining whether a correct answer has been input. (See Examiner's Answer of March 18, 2008, page 11.) Rather, the only message processing disclosed by *Kreisel* is determining whether a user is viewing an unviewed message. (*Kreisel*, FIG. 4.)

Furthermore, *Suzuki* does not overcome *Kreisel*'s deficiencies. *Suzuki* merely discloses searching a database for an answer to a consumer's question. (*Suzuki*, Abstract.) In *Suzuki*, the answer is edited into e-mail format and transmitted. (*Suzuki*, col. 7, lines 8-14.) Nowhere does *Suzuki* disclose determining whether the answer is correct; indeed, the answers discussed in *Suzuki* are those being provided to a consumer, not being input by the same user who would then see the change in state of

the illumination member as discussed in the application at issue. Rather, *Suzuki* merely discloses receiving a question from a user and emailing an answer in response.

Combining *Kreisel* and *Suzuki* would not have led to the claimed subject matter because combining *Kreisel* and *Suzuki* does not disclose or suggest "changing a state associated with the illumination member in response to the determining step, wherein said determining step includes determining whether a correct answer has been input," as recited by independent Claim 43. Accordingly, Appellants respectfully submit that this rejection is in error and request withdrawal of this rejection of Claim 43.

VII. Independent Claim 44

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kreisel* in view of U.S. Patent No. 6,360,221 ("*Gough*"). Independent Claim 44 is patentably distinguishable over the cited references for at least the reason that it recites "changing a state associated with the illumination member in response to the determining step, wherein said determining step includes determining one of a state, a characteristic, and a condition relating to a character in a game program."

In contrast, *Kreisel* does not disclose the aforementioned recitation. *Kreisel* merely discloses flashing a keyboard LED when a new e-mail message is received. (*Kreisel*, Abstract.) In the Answer, the Examiner admits that *Kreisel* does not teach determining one of a state, a characteristic, and a condition relating to a character in a game program. (See Examiner's Answer of March 18, 2008, page 12.) Rather, the only message processing disclosed by *Kreisel* is determining whether a user is viewing an unviewed message. (*Kreisel*, FIG. 4.)

Furthermore, *Gough* does not overcome *Kreisel*'s deficiencies. *Gough* merely discloses enhancing e-mails with self-executing advertising content. (*Gough*, col. 2, lines 19-27.) In *Gough*, e-mail senders have the option of enhancing a message with additional video displays. (*Gough*, col. 15, lines 54-65.) *Gough* also discloses including an interactive chess game in an e-mail. (*Gough*, col. 15, line 66 - col. 16, line 14.) Nowhere, however, does *Gough* disclose or suggest processing received emails in order to determine whether to change the state of an input device's illumination member. Rather, *Gough* merely discloses additional visual enhancements that can be added to the video display of an email.

Combining *Kreisel* and *Gough* would not have led to the claimed subject matter because combining *Kreisel* and *Gough* does not disclose or suggest "changing a state associated with the illumination member in response to the determining step, wherein said determining step includes determining one of a state, a characteristic, and a condition relating to a character in a game program," as recited by independent Claim 44. Accordingly, Appellants respectfully submit that this rejection is in error and request withdrawal of this rejection of Claim 44.

Dependent Claims 45-48 are also allowable for the reasons described above regarding independent Claim 44 and by virtue of their dependency on independent Claim 44. Accordingly, Appellants respectfully submit that the rejection is in error and request withdrawal of this rejection of Claims 45-48.

CONCLUSION

In closing, Appellants respectfully submit that the rejected claims define patentable subject matter over the applied art and request the Board to reverse the rejections of those claims.

While no fees are believed due, the Commissioner is authorized to charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,
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